



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3<sup>rd</sup> Floor  
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October 31, 2019

**BY ECF**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Gottesfeld v. Hurwitz*, 18 Civ. 10836 (PGG)

Dear Judge Gardephe:

On May 16, 2019, Defendants moved to dismiss the complaint in the above-captioned action. On October 2, 2019, Plaintiff wrote a letter to the Court seeking an extension of time to respond to the motion until October 29, 2019. *See* Dkt. No. 81. Defendants did not oppose this request, but respectfully requested that the Court set a reply date for Defendants. Specifically, because there is often a significant lag between Plaintiff mailing filings to the Court and those filings appearing on the docket, Defendants requested that their reply be due three weeks after Plaintiff's opposition is filed on the docket sheet. *See* Dkt. No. 82. The Court has not ruled on either of these applications.

On October 20, 2019, Plaintiff wrote a letter to the Court seeking a further extension of his time to oppose Defendants' motion to dismiss until November 12, 2019. *See* Dkt. No. 85. In support of this application, Plaintiff cites to not receiving "commissary deliveries," without further elaboration on what he was unable to receive that is preventing him from filing his opposition. Moreover, as evidenced by the multiple recent filings on the docket sheet, Plaintiff clearly has access to materials he needs to file documents with this Court. Accordingly, Defendants oppose Plaintiff's request. However, in the event the Court grants Plaintiff an extension of time to respond to the motion to dismiss, Defendants respectfully renew their application for the Court to set their reply date as three weeks from the date Plaintiff's opposition is filed on the docket sheet.

I thank the Court for its attention to this matter.

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Sincerely,

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